IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Crl.MC.No. 114 of 2007()

C.C.NO.360/2000 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, PALAKKAD)

PETITIONER: ACCUSED

RAMKUMAR, S/O.RMANATHAN,
KIZHAKKANCHERRYKALAM, VALLANJI, NENMARA,
PALAKKAD.

BY ADV. SRI.P.V.ELIAS

RESPONDENTS: STATE AND COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.114 of 2007

Dated this the 15th day of January, 2007

ORDER

The petitioner is the accused in a prosecution under Sections 279 and 338 I.P.C. The case was registered as early as in 2000. The petitioner, it is submitted, was enlarged on bail, but could not appear before the learned Magistrate as he was not available in India. Non bailable warrant has been issued against the petitioner by the learned Magistrate.

2. The petitioner now wants to appear before the learned Magistrate. He apprehends that the learned Magistrate may not consider the petitioner's application for bail on merits, in accordance with law and expeditiously. He has in these circumstances come to this Court for a direction under Section 482 Cr.P.C to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and to explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or

specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-